

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

In re:

**ANTHONY WALL,
Debtor**

**: CHAPTER 13
: BANKRUPTCY NO. 17-14683**

**ANTHONY WALL,
Plaintiff**

v.

**CITY AND SCHOOL DISTRICT OF PHILADELPHIA
and PENNSYLVANIA DEPARTMENT OF REVENUE,
Defendants**

: ADVERSARY NO. 18-

COMPLAINT

1) This is an action by the Debtor to avoid totally unsecured alleged security interests against his residential realty.

2) Jurisdiction of this court to hear this proceeding is conferred by 28 U.S.C. section 1334(b). This is a core proceeding because it seeks to determine the validity of liens, pursuant to 28 U.S.C. sections 157(b)(2)(K).

3) The Plaintiff in this proceeding is ANTHONY WALL (“the Debtor”), an adult individual residing at 5033 Schuyler Street., Philadelphia, PA. 19144 (“the Home”), who is the Debtor in the underlying Chapter 13 bankruptcy case.

4) The Defendants are the following:

a. CITY AND SCHOOL DISTRICT OF PHILADELPHIA (“the City”). This Defendant may be served, pursuant to Federal Rule of Bankruptcy Procedure (“FRBP”) 7004(b)(6) and Pennsylvania Rule of Civil Procedure (“PRCP”) 422(b)(3), by mailing copies to Megan N. Harper, Esq., the City Solicitor who filed this claim, 1401 JFK Blvds., 5th Floor, Philadelphia, PA. 19102, and to its Mayor, James Kenney, 215 City Hall, Philadelphia, PA. 19107; and

b. PENNSYLVANIA DEPARTMENT OF REVENUE, This Defendant may be served, pursuant to FRBP 7004(b)(6) and PRCP 422(b)(3), by mailing copies to the party filing the claim, Ms. Heather Haring, 6th & Walnut Sts., Harrisburg, PA. 17128, and to its Governor, Tom Wolf, at Office of the Governor, 108 Main Capitol Bldg., Harrisburg, PA. 17120.

5) The first mortgage on the Home is held by U.S. Bank, N.A., etc. (“USB”).

6) USB has filed a secured proof of claim in this case in the amount of \$303,825.59 against the Home.

7) The value of the Home is no more than \$250,000.

8) The security interests of or held by the Defendants, which are junior to the first-lien position asserted by USB against the Home, are therefore totally under-secured and, as such, are subject to avoidance pursuant to 11 U.S.C. section 506(a), as interpreted by In re McDonald, 205 F.3d 606 (3d Cir. 2000).

WHEREFORE, the Plaintiff requests this court to enter an Order avoiding the Defendants' security interests against the Home.

/s/ DAVID A. SCHOLL
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